

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MONEY MAILER, LLC,

Plaintiff,

V.

## WADE G. BREWER.

Defendant.

NO. C15-1215RSL

## ORDER DISMISSING CLAIMS WITH PREJUDICE

In July 2020, the Court found that Money Mailer no longer held the right to pursue the claims it had asserted against Wade G. Brewer in this litigation and that substitution was appropriate under Fed. R. Civ. P. 25(c). Dkt. # 303 at 2-3. Plaintiff and its transferee were given the choice of substituting the named plaintiff or voluntarily dismissing the case. Dkt. # 303 at 3. After five years of litigation, the transferee opted not to appear, and plaintiff filed a notice of voluntary dismissal without prejudice. Dkt. # 305. Brewer filed a timely objection, arguing that the dismissal should be with prejudice. Dkt. # 308.<sup>1</sup>

Money Mailer points out that, under Rule 41(a)(2), a voluntary dismissal is without prejudice unless the Court orders otherwise. The Court so orders in the circumstances presented

<sup>1</sup> Brewer's unauthorized sur-reply (Dkt. # 312) has not been considered.

1 here. Plaintiff had a full and fair opportunity to litigate its claims. It spent years vigorously  
2 pursuing discovery and motions practice in an attempt to sort out the financial impacts and legal  
3 liabilities associated with Brewer's failed franchise. Both sides incurred considerable litigation-  
4 related expenses. The amount of time spent on this case was extraordinary. If Money Mailer or  
5 its transferee intended to pursue the contract claims, the time was now. They will not be  
6 permitted to file another lawsuit before another court asserting the same contract-related claims  
7 that they abandoned here.

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10 For all of the foregoing reasons, the Court exercises its discretion under Fed. R. Civ. P.  
11 41(a)(1) to dismiss plaintiff's claims with prejudice. The Clerk of Court is directed to enter  
12 judgment in this matter.  
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15 Dated this 14th day of September, 2020.

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17 Robert S. Lasnik  
18 United States District Judge  
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